IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

WEDNESDAY, THE TWENTY THIRD DAY OF JUNE TWO THOUSAND AND FOUR

PRESENT:
THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.7838 OF 1999

Between:

A.P. Electrical Equipment Corporation, Industrial Estate, Visakhapatnam, represented by its Chief Executive, R.K.Bajaj .... Petitioner

and

1) R.Natarajan, s/o.late N.G.Rangaswamy, aged about 61 years, c/o.G.Ramagopal, 103, B.N.R.Apartments, Khairatabad, Hyderabad

2) Parekh Fabricators, Industrial Estate, Visakhapatnam, represented by P.K.Mishra.

3) The Presiding Officer, Labour Court, Visakhapatnam ... Respondents

The Writ Petition is filed under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court will be pleased to issue an order, direction or writ particularly one in the nature of Writ of Mandamus declaring that the award of the Labour Court, Visakhapatnam,the third

respondent herein, in I.D.No.517 of 1994 dated 8.12.1998 as illegal, unjust, improper and unenforceable in law.

Counsel for the petitioner : Sri Koka Satyanarayana Rao;

Counsel for Respondent no.1: Sri G.Rama Gopal;
Counsel for Respondent no.2: None appeared.
For Respondent no.3: --

This Court made the following:

ORDER:

A.P. Electrical Equipment Corporation, Visakhapatnam viz.the petitioner herein, assails the award of the Labour Court, Visakhapatnam dated 8.12.1998 in Industrial Dispute No.517 of 1994.

The first respondent herein preferred the claim under section 2(A)(2) of the Industrial Disputes Act, 1947, before the Labour Court. He claimed to have joined service of the petitioner corporation on 22.3.1991 as a Security Inspector on monthly wages of Rs.1,200/-. He claimed that the management of the petitioner had transferred him to the second respondent on administrative grounds and that on 1.10.1994 one P.K.Mishra claiming to be the Proprietor of the second respondent, issued a letter terminating his services. The first respondent herein also claimed that he was asked not to attend duties since 3.10.1994. Petitioner herein and

the second respondent were respondents to the Industrial Dispute. Both the managements denied the employee-employer relationship. The Labour Court, *inter alia,* framed the issue "Whether the first respondent herein was a workmen of either of the managements ?", and another issue "Whether there was a retrenchment and if so, whether it was valid ?".

On a consideration of the large volume of documentary evidence - as many as 35 documents, in particular the order of the Regional Provident Fund Commissioner treating the first respondent as an employee of the petitioner-management – the Labour Court concluded on a rational analysis of the evidence on record that the first respondent herein was a workman employed with the petitioner. It also rightly came to conclusion that the disengagement of the petitioner constituted retrenchment contrary to the provisions of section 25(F) of the Industrial Disputes Act. Consequently, it passed the award setting aside the retrenchment of first respondent and directing the petitioner herein to reinstate him into service with full back wages and continuity of service while awarding costs in an amount of Rs.1000/-.

This court discerns no infirmity either in the application of law or exercise of discretion, by the Labour Court warranting interference in judicial review under Article 226 of the Constitution of India.

This writ petition is without merits and is accordingly dismissed. No costs.

DRK/PVKS

23.06.2004

Copy to:

1) The Presiding Officer, Labour Court, Visakhapatnam.

2) Two C.D.copies.